



Federal Communications Commission
Washington, D.C. 20554

DA 08-943

April 23, 2008

Kevin F. Reed, Esq.
Dow Lohnes PLLC
1200 New Hampshire Avenue
Suite 800
Washington, DC 20036

Re: Call Sign E880611
File No. SES-MOD-20080407-00429

Dear Mr. Reed:

On April 7, 2008, WPXI, Inc. (WPXI) filed the above-captioned modification application to modify its transmit-only temporary-fixed Ku-band¹ earth station license to replace an antenna and modify emission parameters. For the reason discussed below, we dismiss the application as defective, without prejudice to refiling.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. WPXI's application is incomplete, which renders it unacceptable and subject to dismissal. The deficiency is as follows:

Question 28 of Form 312 indicates that a radiation hazard study must accompany as an exhibit all applications seeking major modifications such as the one proposed.² However, WPXI's application did not include this required exhibit.

¹ 14.0-14.5 GHz.

² See 47 C.F.R. § 1.1307(b).

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. §25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. §0.261, we dismiss WPXI's application, without prejudice to refile.³

Sincerely,

Scott A. Kotler
Chief, Systems Analysis Branch
Satellite Division
International Bureau

³ If WPXI refiles an application in which the deficiency identified in this letter has been corrected but is otherwise identical to the one dismissed, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).